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June 1, 1999

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Sherry Estes, Esq.
Office of Regional Counsel
U.S. Environmental Protection Agency
Region V
77 West Jackson Boulevard (C-29A)
Chicago, Illinois 60604

Re: Skinner Landfill De Minimis Settlement

Dear Ms. Estes:

I am writing to you on behalf of United Waste Water Services, Inc. ("United Waste Water"). As you may be aware, United Waste Water entered into a De Minimis Settlement Agreement earlier this year with the Plaintiffs in the Skinner Landfill Private Cost Recovery action in the United States District Court for the Southern District of Ohio. In addition to providing for settlement of Plaintiffs' claims regarding their past costs at the Skinner Site, that Agreement requires that Plaintiffs seek to negotiate a de minimis settlement between United Waste Water and the United States (on behalf of the U.S. Environmental Protection Agency ("EPA")) that is at least as protective of the Company's interests as are the terms of the EPA's Model De Minimis Consent Decree set forth in the December 7, 1995 Federal Register.

It has come to our attention that EPA, Region V has defined what information it will require in order to determine that United Waste Water qualifies for a de minimis settlement at the Skinner Site. In particular, submitted information must consist of:

- (1) The summary of each de minimis settlor's waste-in volume and percentage share of Site costs, as determined by the Allocator in the Final Allocation Report from the Skinner Alternative Dispute Resolution process; and
- (2) The narrative description of the Allocator's findings for each de minimis settlor, as set forth in the Preliminary

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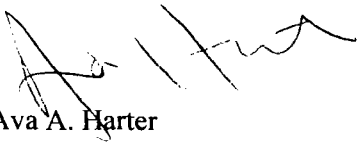
Allocation Report and, where the Allocator supplemented or altered those findings in the Final Allocation Report, the Final Allocation Report.

Accordingly, enclosed please find the information requested by EPA for United Waste Water. The enclosed information amply evidences that United Waste Water is entitled to a de minimis settlement consistent with EPA's Model De Minimis Settlement Decree. United Waste Water understands that EPA and Plaintiffs in the private cost recovery litigation will allocate among themselves the monies to be paid by United Waste Water in settlement of the claims of Plaintiffs and the United States. By making this settlement offer, United Waste Water does not acknowledge any liability for response costs at the Skinner Site.

In order to ensure that United Waste Water is able to avoid the incurrence of further transactional costs in connection with the ongoing Skinner Site cost recovery litigation, United Waste Water strongly urges EPA to finalize an appropriate de minimis settlement as expeditiously as possible. Such timely action would fulfill the statutory objectives of Section 122(g) of CERCLA and EPA's de minimis settlement policies.

If you have any questions or concerns about the enclosed material or about the subject matter of this letter in general, please do not hesitate to contact me.

Very truly yours,



Ava A. Harter

AVH:amw

Enclosures

cc: Wray Blattner, Esq.

Cliff Ryan, President, United Waste Water Services, Inc.

Dave Brown, General Manager, United Waste Water Services, Inc.

United Waste Water Services, Inc.

Settlement Amount: **\$2,000.00**

Excerpt from Allocator's Preliminary Report :

United Waste Water (UWW) processes and recycles non-hazardous industrial and other wastes, and was founded in 1982. The current owners purchased the company in 1989. *William Blevins's deposition resulted in a request to put UWW on notice of this matter. I did so. UWW signed the ADR participation agreement and submitted a questionnaire response.*

UWW interviewed the former owners of the company, a sales manager, an operations manager, a second shift supervisor, plus two persons named Dave Brown and Steve Feld whose responsibilities were not described to me. It was reported to me that none of these individuals was aware of any disposal at the Skinner Site. At all relevant times, UWW reported, it was authorized to discharge septic sludge-type wastes into the Cincinnati Sanitary Sewer system. Therefore, it would not have made sense for UWW to haul such wastes to Skinner or any other landfill, I was told.

The evidence linking UWW to the Skinner Landfill is the testimony of William Blevins, a former driver for Clarke. When asked whether he ever saw any sludge disposed of at the Landfill, Mr. Blevins replied, "Just that sludge that come from that tanker outfit that cleans septic tanks." W. Blevins Depo., p. 58. Mr. Blevins explained that he was familiar with the "outfit" because he had hauled a "box full of it from Marty Clarke" at one time in the past. He said that he passed the company's tanker truck leaving the Landfill "at the crack of dawn one morning." He said that "they dumped a bunch of it all over the place up there. You couldn't get out of the truck without getting in it." He said that he actually passed the vehicle (as he was entering and it was leaving) two or three times and each time it was very early in the mornings. It was "just sludge. It wasn't what you would say real liquefied." It had a putrid smell, he agreed. W. Blevins Depo., p. 59-60, 63-64.

Mr. Blevins said that the company was still in business. He explained where it was located by saying "before you come into Sharonville, there used to be a little junkyard on one corner, and there's like a car lot across the street from them. I can't remember the -- I can take a street map and give you the name of the street that comes down through there." W. Blevins Depo., p. 60. Mr. Blevins then was shown a telephone directory of septic tank companies and said that he thought that United Waste Water located at 11807 Reading Road was the address *he had been visualizing. He believed, he said, that this was the company located on the corner of Reading and Hawk Road.* He said that he had been at the location of the company he had in mind, and hauled some material for the company while working for Marty Clarke. He said that the vehicles he saw at the facility that day were the same vehicles he saw at the Landfill with the "same markings and stuff." W. Blevins Depo., p. 61-64.

UWW argued that Mr. Blevins never actually saw the UWW truck dump wastes but I do not think it is much of an inference to draw that dumping of wastes occurred. It is true that Mr. Blevins did not actually recall the name or marker on the truck, and I do not disagree that many septic sludge haulers may well use the same type of truck used by UWW. But Mr. Blevins was specific in saying that the facility that he had serviced while he worked for Martin Clarke housed the vehicles that he saw at the Skinner Landfill with the "same markings and stuff."

I want to thank UWW for being so responsive to the ADR participation invitation letter. While the waste-in amount here would not be large, UWW has not told me whether it ever used a Martin Clarke entity for any purpose. It has also not told me who its drivers were and whether any of its drivers were interviewed. It may be that Mr. Blevins has mistakenly identified UWW, but on this record, I am not yet convinced that he has. Mr. Blevins was employed by Clarke from 1985 - 1987. I am asking UWW to advise me of the types and capacities of vehicles it used, and of the nature of its waste collection practices (residential only? residential, commercial and industrial?). I am also asking it to tell me whether it ever used Clarke Incinerator or Clarke Container (or a Martin Clarke entity) for any services in the time period 1985 - 87.

In the interim, I am assigning UWW a solid waste-in amount of 10 cys (I assumed a 1,000 gallon tank x 2 visits divided by 202 gallons per cy).

Final Allocation Recommendations in Alphabetical Order, Skinner Landfill Superfund Site, April 12, 1999

Name Of Party	Solid Waste In Cys	Liquid Waste In Gallons	Solid Waste In Total Cys 372906	Percentage	Liquid Waste In Total Gallons 262252	Percentage	Solid Waste	Liquid Waste	Owner/ Operator & Part of Chem Dyne	Rest of Chem- Dyne	Total
UNITED WASTE WATER SERVICES, INC	10	0	372906	0.0027%	262252	0.0000%	0.00%	0.00%			0.00027%